

REMARKS

Claims 1-23 were originally filed and remain pending in the present application. No claims are currently added or canceled. Reconsideration of this application in light of the above amendments and the following remarks is requested.

§ 102 Rejections

Claims 1-23 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,062,575 to Mickel et al. (“Mickel”).

The PTO provides in MPEP §2131 that

“[t]o anticipate a claim, the reference must teach every element of the claim . . .”

Therefore, to sustain the rejections of claims 1-23 Mickel must teach all of the claimed elements of each claim.

With respect to independent claim 1, however, Mickel at least fails to teach having “at least one locking member positioned adjacent said at least one aperture and **movable with respect to the coupling shaft through a first path in a direction at least partially parallel to said longitudinal axis** into a locked position to prevent the medical dissection tool from moving along the longitudinal axis of the internal passage” Rather, as shown in Figures 3A and 3B of Mickel, the openings defined by walls 80 and 80' have substantially the same width as balls 82 and 82'. Therefore, with respect to driving shaft 60 the balls 82 and 82' are limited to movement substantially transverse to axis BB.

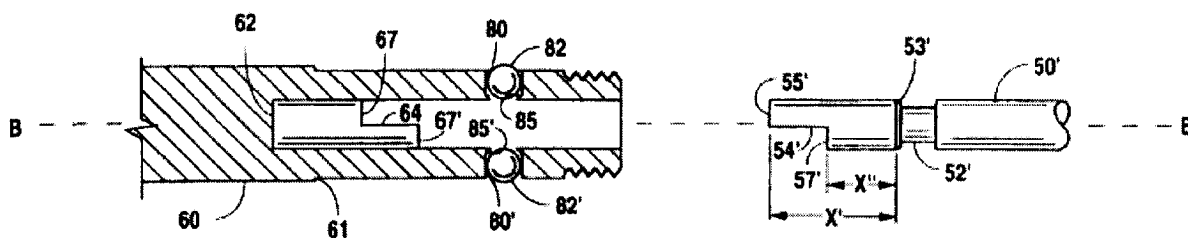


Fig. 3A

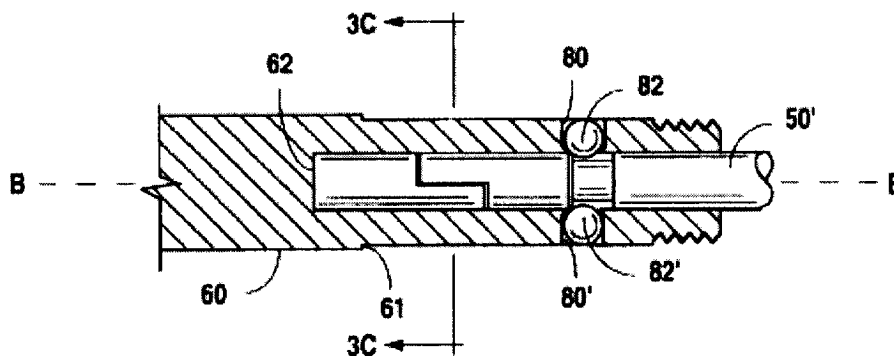
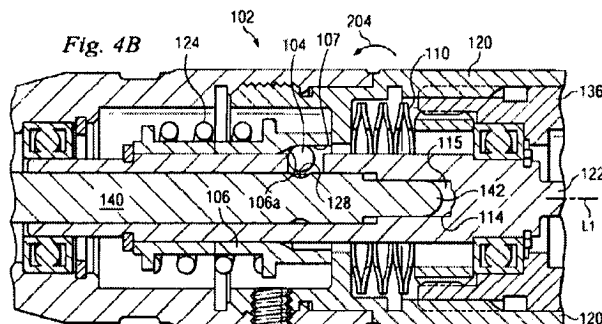
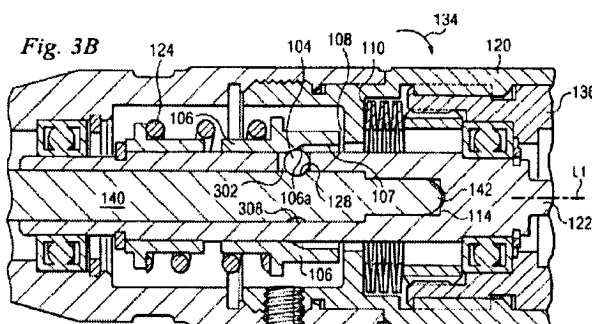


Fig. 3B

As set forth more fully in the Mickel patent at Col. 6, line 36 through Col. 7, line 5, the balls 82 and 82' simply cannot move with respect to the driving shaft 60 along axis BB because the openings defined by walls 80 and 80' do not permit such movement. Thus, the balls 82 and 82' are not “movable with respect to the coupling shaft through a first path in a direction at least partially parallel to said longitudinal axis into a locked position” as required by claim 1.

Referring to the applicants' drawings, Figs. 3b and 4b (below) show the retention member 104 movable longitudinally along elongated opening 302. For at least the reason set forth above, Mickel fails to teach all of the claimed elements of claim 1. Claims 2-13 depend from and further limit claim 1. Thus, Applicants respectfully request that the Examiner withdraw the §102 rejections of claims 1-13.



Similarly, with respect to independent claim 14, Mickel at least fails to teach, “at least one locking member disposed adjacent said aperture, said locking member moveable at least partially along the longitudinal axis from an unlocked position disposed substantially outside said

internal passage and spaced from the proximal surface portion to a locked position spaced from the distal surface portion and having at least a portion of said locking member disposed within said internal passage.” As shown above, the balls 82 and 82’ are not spaced from any portion of the walls 80 and 80’ as required by claim 14 in either the locked or unlocked position. Rather, the balls 82 and 82’ are in contact with the walls 80 and 80’ in each position. Thus, for at least this reason Mickel fails to teach all of the claimed elements of claim 14. Claims 15-21 depend from and further limit claim 14. Thus, Applicants respectfully request that the Examiner withdraw the §102 rejections of claims 14-21.

Independent claim 22 requires “a means for locking the dissection tool to the coupling housing configured to move the dissection tool within the coupling housing along the longitudinal axis, wherein said means for locking is at least partially moveable along the longitudinal axis with respect to the coupling housing.” As shown above, the balls 82 and 82’ are not moveable along the longitudinal axis with respect to driving shaft 60. The balls 82 and 82’ are moveable with respect to driving shaft 60 only in a direction substantially perpendicular to the longitudinal axis. Thus, for at least this reason Mickel fails to teach all of the claimed elements of claim 22. Claim 23 depends from and further limits claim 22. Thus, Applicants respectfully request that the Examiner withdraw the §102 rejections of claims 22 and 23.

CONCLUSION

It is believed that all matters set forth in the Office Action have been addressed, and that pending claims 1-23 are in condition for allowance. Favorable consideration and an early indication of the allowability of the claims are respectfully requested. Should the Examiner deem that an interview with Applicant's undersigned attorney would expedite consideration, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

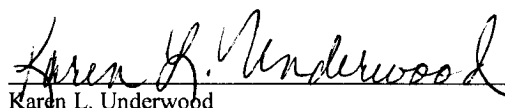


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